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May 7, 2021

**BY ECF**

The Honorable J. Paul Oetken  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: United States v. Craig Zabala, 20 CR 564 (JPO)

Dear Judge Oetken:

I represent Defendant Craig Zabala in the above-referenced matter. I am writing to request that the Court change the reporting date for Mr. Zabala from Monday, May 17, 2021 to Tuesday, June 1, 2021.<sup>1</sup> On February 5, 2021, the Court sentenced Mr. Zabala to a term of twenty-four months of imprisonment and ordered him to surrender no later than 2 pm on May 17, 2021 at a facility designated by the Bureau of Prisons. The Court initially recommended that Mr. Zabala be placed at FCI Lompoc in California, but later changed that recommendation to FCI Otisville based on the new circumstances identified in my letter of February 22, 2021. ECF 27.

As of the date of this letter, neither Mr. Zabala nor I have received a final notification from the BOP as to where he must report to serve his sentence. The BOP has provided an informal notification to Mr. Joshua Naftalis, the AUSA responsible for the matter, that Mr. Zabala has been assigned to Lompoc in California. However, it was not clear from that informal notification whether the BOP had received the Court's subsequent recommendation to assign Mr. Zabala to Otisville. At Mr. Zabala's request, Mr. Naftalis agreed to inquire about the issue with the BOP and is awaiting a response.

A fifteen-day extension would provide the BOP with additional time to designate an institution and ensure that the Court's revised recommendation has been received and considered by the BOP. It would also allow Mr. Zabala to voluntarily surrender at the institution ultimately

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<sup>1</sup> Monday, May 31, 2021, is Memorial Day, a government holiday.

designated by the BOP in an orderly fashion.

I consulted with Joshua Naftalis, who informed me that the government does not oppose this request. Thank you for your consideration of this request.

Respectfully submitted,

/s/ Michael Kelly

Michael Kelly

cc: Joshua Naftalis, AUSA

Granted.  
Defendant's surrender date is hereby adjourned to 2:00 pm on  
June 1, 2021.  
So ordered: 5/10/2021



J. PAUL OETKEN  
United States District Judge